



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: October 4, 2007
Comment Deadline: November 2, 2007
Corps Action ID #: 2007-02951-322

The Wilmington District, Corps of Engineers (Corps) has received an application from Duke Energy Corporation, represented by Mr. Joseph W. Carriker, seeking Department of the Army authorization to impact 0.03 acre of waters of the United States in order to construct a boat ramp on the Hiwassee River in Clay County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: Duke Energy Services
Lake Services
Attention: Mr. Joseph Carriker
Post Office Box 1006
Charlotte, North Carolina 28201

Agent: Davis & Floyd, Inc.
Attention: Mr. R.L. Powell
Post Office Drawer 428
Greenwood, South Carolina 29648

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act (33 U.S.C. 1344).

Location

The project area is located on the Hiwassee River on Mission Dam Road near Hayesville, Clay County, North Carolina. Coordinates of the site are 35.0665 north and -83.9266 west.

Existing Site Conditions

The Hiwassee River is approximately 220 ft wide at the project area. The area is rural and low density residential. The Mission Dam is located approximately 700 ft to the east of the project area.

Applicant's Stated Purpose

To construct this project in order to satisfy Federal Energy Regulatory Commission (FERC) licensing requirements.

Project Description

The proposed project consists of permanently impacting (filling) 0.03 acre of the Hiwassee River in order to construct an 80 x 16 ft boat ramp. Approximately 50 ft of the ramp would extend into the river at or below the ordinary high water mark (OHWM) in order to achieve a water depth of 1.5 feet at the end of the boat ramp. The maximum grade of the boat ramp would be 15 percent. 250 cubic yards of rip rap and 31 cubic yards of cement would be used in construction of the entire boat ramp (both on the upland and in the river); 200 cubic yards of rip rap and 20 cubic yards of cement would extend into the river at or below the OHWM.

A gravel parking lot would also be constructed as part of this project, but no part of this parking lot would impact waters of the United States.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice combined with appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260 Attention: Ms Cyndi Karoly by November 2, 2007.

In addition, this project may be located in a watershed subject to Tennessee Valley Authority (TVA) permit requirements pursuant to Section 26a of the TVA Act. This Public Notice and all application materials are being forwarded to Angela Sims, 221 Old Ranger Road, Murphy, North Carolina 28906. Questions or comments regarding Section 26a permit requirements should be directed to the above address.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion

therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

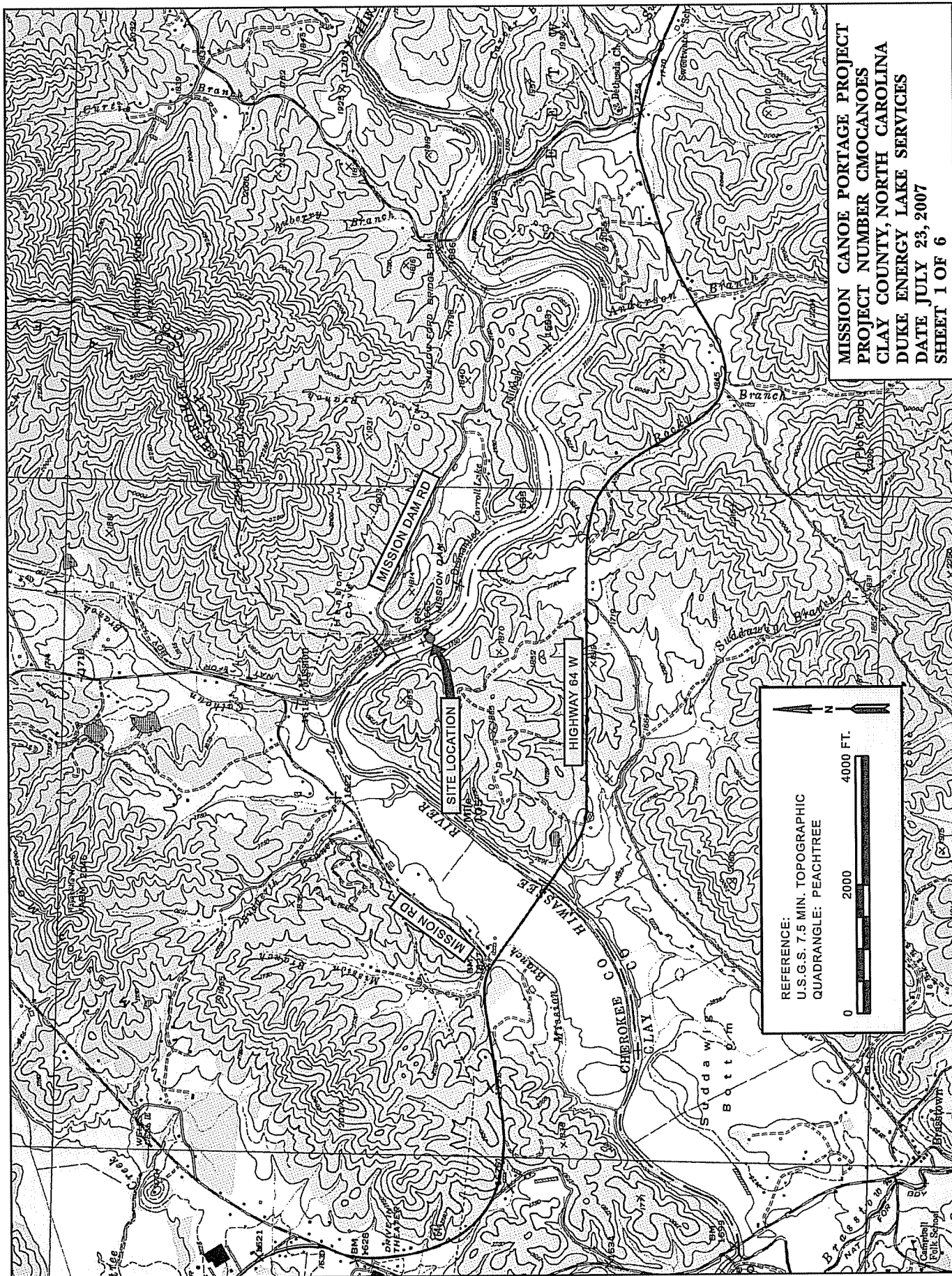
Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

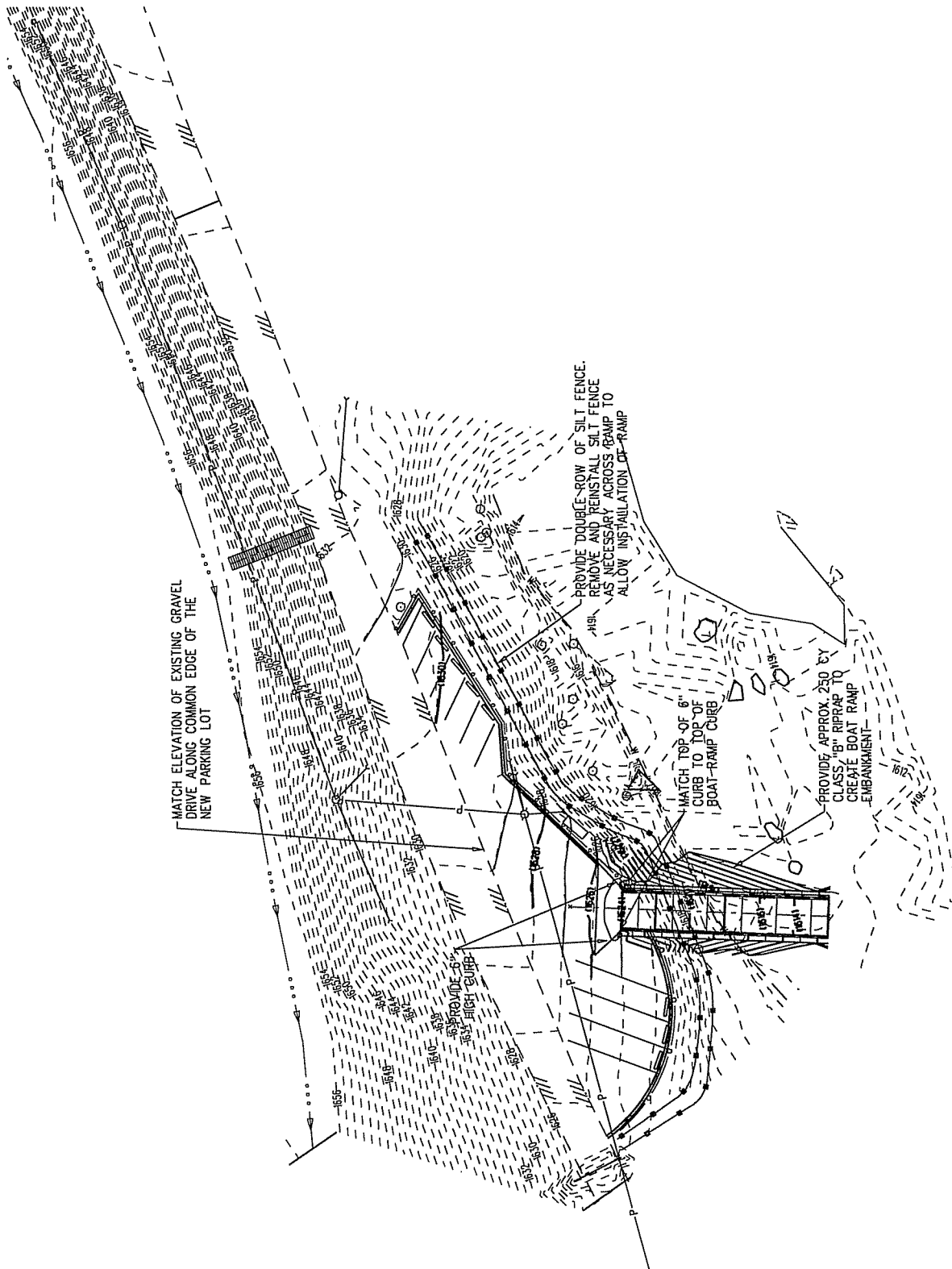
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be

granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

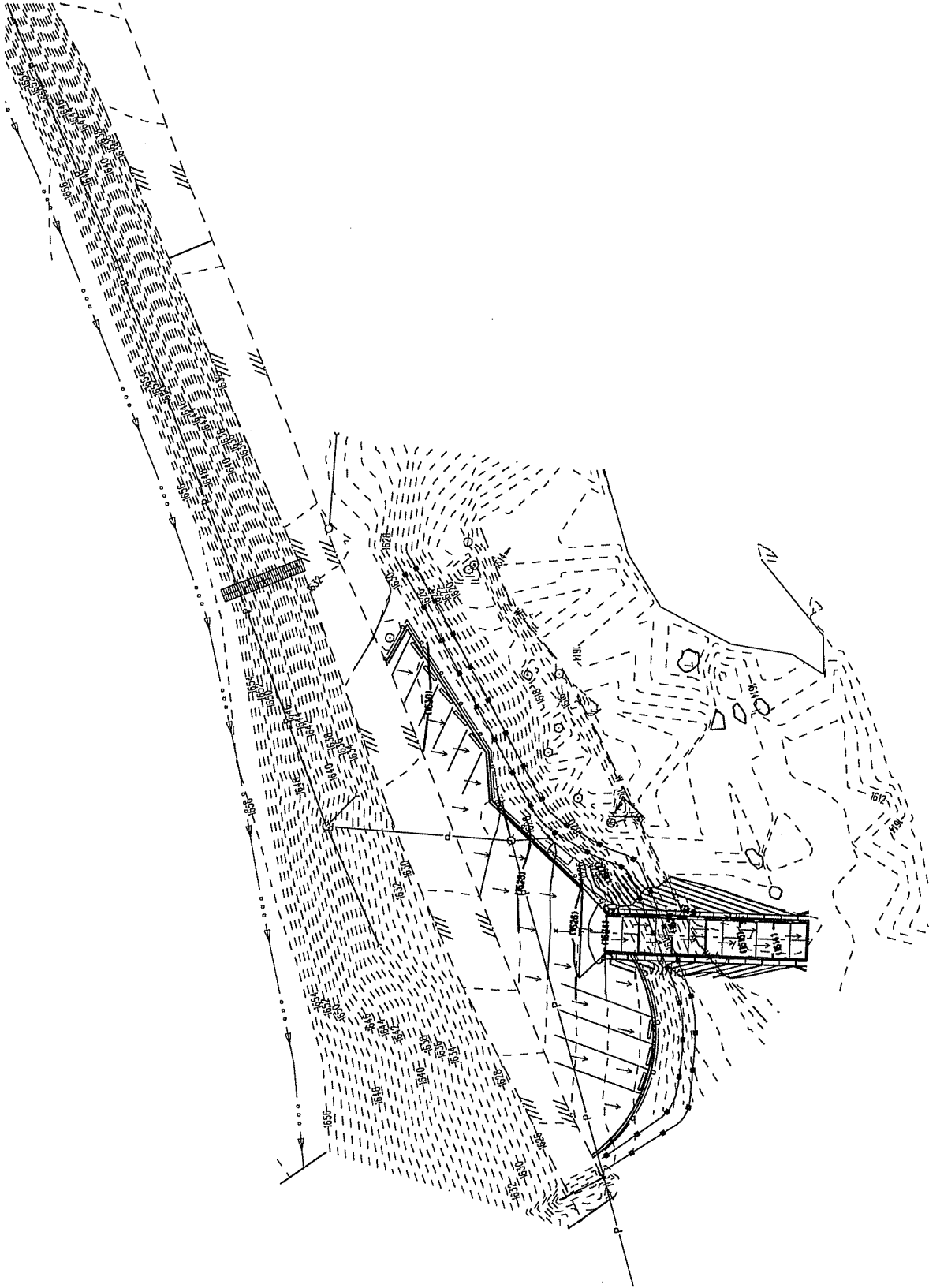
Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, November 2, 2007. Comments should be submitted to Asheville Regulatory Field Office, Attn: Ms. Lori Beckwith, 151 Patton Avenue, Room 208, Asheville, North Carolina 28801-5006.

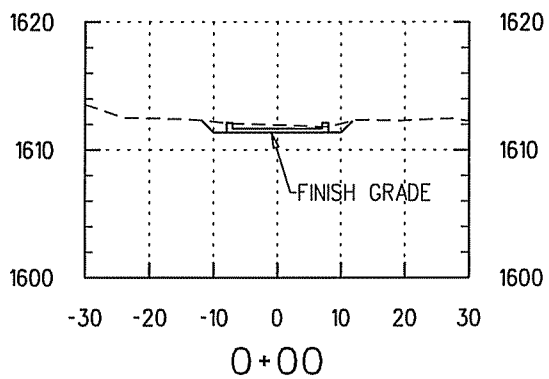
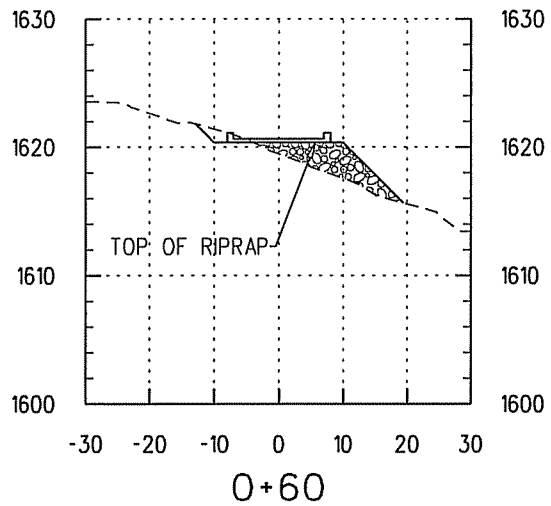
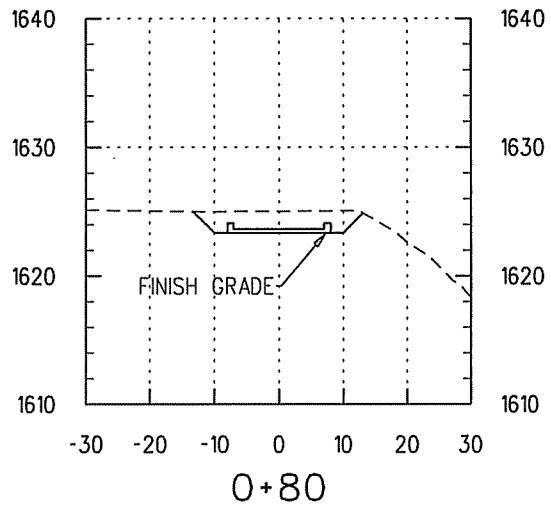


GRADING PLAN
SCALE 1"=60'



SLOPE VECTORS
SCALE 1"=60'





MISSION CANOE PORTAGE PROJECT
PROJECT NUMBER CMOCANOES
CLAY COUNTY, NORTH CAROLINA
DUKE ENERGY LAKE SERVICES
DATE JULY 23, 2007
SHEET 6 OF 6